

June 14, 2004
Case No.: 7440/4
Serial No.: 09/765,843
Filed: January 19, 2001
Page 6 of 8

-- REMARKS --

In the Final Office Action, Examiner Jackson rejected pending claims 1-10 and 12-17 on various grounds. The Applicant responds to each objection and rejection as subsequently recited herein, and respectfully requests reconsideration of the present application:

- A. Examiner Jackson rejected claims 1-5, 14 and 17 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No 5,991,240 to *Van Ryzin*.

The Applicant has thoroughly considered Examiner Jackson's remarks concerning the patentability of claims 1-5, 14 and 17 over *Van Ryzin*. The Applicant has re-read *Van Ryzin*. To warrant this anticipation rejection of claims 1-5, 14 and 17, *Van Ryzin* must show each and every limitation of independent claim 1 in as complete detail as is contained in independent claim 1. See, MPEP §2131. The Applicant respectfully traverses this anticipation rejection of independent claims 1-5, 14 and 17, because *Van Ryzin* fails to disclose and teaches away from a digital signal processor "for receiving a first data signal from the external source and for decoding the first data signal to obtain the audio data file" and a programmable controller "for activating an alarm sound coded in the audio data file in response to the programmable controller determining that the alarm sound is required to fulfill one or more programming instructions executed by the programmable controller" as recited in claim 1.

Specifically, *Van Ryzin* discloses a programmable controller 16 for activating an alarm sound coded in a sound circuit 22 in response to the programmable controller 16 determining that the alarm sound is required to fulfill one or more programming instructions executed by the programmable controller 16. See, Van Ryzin at column 3, lines 29-42. *Van Ryzin* fails to disclose and teaches away from the alarm sound being coded in an audio data file located in the TV broadcast signal from the TV turner 12 (i.e., the external source), not memory 20.

June 14, 2004
Case No.: 7440/4
Serial No.: 09/765,843
Filed: January 19, 2001
Page 7 of 8

Withdrawal of the rejection of claim 1 under §102(b) as being anticipated by *Van Ryzin* is therefore respectfully requested.

Claims 2-5, 14 and 17 depend from independent claim 1. Therefore, dependent claims 2-5, 14 and 17 include all of the elements and limitations of independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claims 2-5, 14 and 17 are allowable over *Van Ryzin* for at least the same reasons as set forth herein with respect to independent claim 1 being allowable over *Van Ryzin*. Therefore, withdrawal of the rejection of dependent claims 2-5, 14 and 17 under 35 U.S.C. §102(b) as being anticipated by *Van Ryzin* is respectfully requested.

B. Examiner Jackson rejected claims 6-10, 12, 13, 15 and 16 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,991,240 to *Van Ryzin* in view of U.S. Patent No. 5,832,067 to *Herold*.

Claims 6-10, 12, 13, 15 and 16 depend from independent claim 1. Therefore, dependent claims 6-10, 12, 13, 15 and 16 include all of the elements and limitations of independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claims 6-10, 12, 13, 15 and 16 are allowable over *Van Ryzin* in view of *Herold* for at least the same reasons as set forth herein with respect to independent claim 1 being allowable over *Van Ryzin*. Therefore, withdrawal of the rejection of dependent claims 6-10, 12, 13, 15 and 16 under 35 U.S.C. §103(a) as being unpatentable over *Van Ryzin* in view of *Herold* is respectfully requested.

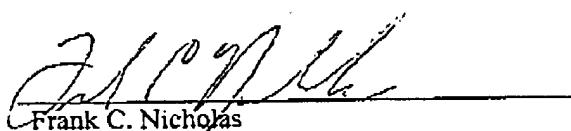
June 14, 2004
Case No.: 7440/4
Serial No.: 09/765,843
Filed: January 19, 2001
Page 8 of 8

SUMMARY

The Applicant respectfully submits that claims 1-10 and 12-17 as listed herein fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, Examiner Jackson is respectfully requested to contact the undersigned at the telephone number listed below.

Dated: June 14, 2004

Respectfully submitted,
John J. Emerick, Jr.



CARDINAL LAW GROUP
Suite 2000
1603 Orrington Avenue
Evanston, Illinois 60201
Phone: (847) 905-7111
Fax: (847) 905-7113

Frank C. Nicholas
Registration No. 33,983
Attorney for Applicant